

## REMARKS

This Amendment and Request for Continued Examination is submitted in response to the Final Office Action mailed May 18, 2004 (the "Action"). Claims 1 and 5-24 were pending at the time of the Action. Claims 1, 5-14 and 16-24 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,089,354 to Hettegger ("Hettegger").

Applicant appreciates the Examiner's participation in an Examiner Interview on August 25, 2004. In particular, Applicant appreciates the Examiner's indication that she would consider an amendment clarifying the structure of the chair armrests (Claim 1) and an amendment clarifying that the supportive surface of Claim 22 is the surface upon which the vehicle rests. Applicant submits that these features are not taught or suggested by Hettegger.

Applicant believes that this Amendment after Final satisfies the requirements for a written statement or summary, for example, as provided in 37 C.F.R. § 1.133 and M.P.E.P. § 713.01. If any additional information is required, the Examiner is courteously requested to contact the undersigned attorney.

Claim 1 has been amended to recite that "the chair comprises a support surface and at least two armrests, the armrests being disposed on opposite sides of and above the chair support surface." The Action takes the position that the forklift 1 in Hettegger is equivalent to the chair claimed in Claim 1. *See* the Action, paragraph 4. The forklift 1 in Hettegger clearly does not disclose at least two armrests disposed on opposite sides of and above the chair support surface. Accordingly, Applicant submits that Claim 1 is not anticipated by Hettegger. Allowance of Claim 1 and Claims 2-17 depending therefrom is requested. Claim 18 has been cancelled.

Claim 19 has been amended to recite as follows: "the passenger carrying means being movable along the guide means by the transporting means when the device is in operation such that a passenger is lifted by the transporting means towards the attachment means in both a vertical and horizontal direction." The forklift 1 in Hettegger is configured to move in a primarily vertical direction only, which is the common operation of a forklift. Accordingly, Claim 19 is not anticipated by Hettegger, and allowance of Claim 19 and Claims 20-21 depending therefrom is requested.

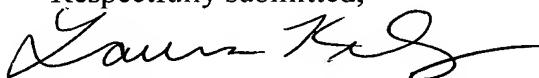
Claim 22 has been amended to recite as follows: "said attachment means being adapted to enable the guide means to be attached to a section of a vehicle, the vehicle resting on the ground or a supportive surface, and the second end of the guide means being configured to rest

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on the ground or the supportive surface shared by the vehicle..." These features are not taught or suggested by Hetteger, which is configured such that its "second end" (*i.e.*, the end that is not attached to the vehicle) is not intended to rest on the ground. Therefore, Claim 22 is not anticipated by Hetteger and allowance of Claim 22 and Claims 23-24 depending therefrom is requested.

In light of the above amendments and remarks, Applicant submits that the pending claims are patentable over the cited reference. Accordingly, Applicants respectfully request allowance of the present application and passing the application to issue.

Respectfully submitted,

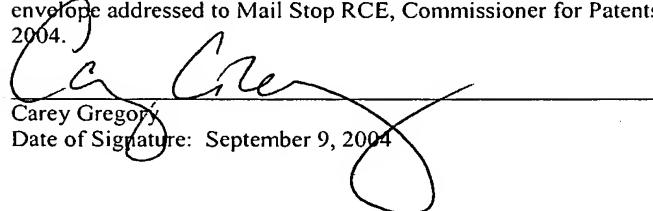


Laura M. Kelley  
Registration No. 48,441

Myers Bigel Sibley & Sajovec, P.A.  
Post Office Box 37428  
Raleigh, NC 27627  
Telephone (919) 854-1400  
Facsimile (919) 854-1401

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA, 22313-1450, on September 9, 2004.

  
Carey Gregory  
Date of Signature: September 9, 2004